



M.O.E. Policy Manual

POLICY TITLE ROLE OF THE MINISTRY IN EMERGENCIES AND SPILLS		NO. 13-01-01
<u>Legislative Authority</u> the Environmental Protection Act the Ontario Water Resources Act the Pesticides Act the Emergency Plans Act the Health Protection and Promotion Act		
<u>Statement of Principles</u> This policy describes the role of the Ministry in protecting life, property, and the environment during emergencies and spills. Ministry plans and actions for dealing with environmental concerns during emergencies and spills are intended to be subordinate to those plans and actions for the protection of life and property.		
<u>Definitions</u>		
<u>Emergency</u>	A situation caused by the forces of nature, an accident, an intentional act or otherwise that constitutes a danger of major proportions to life or property.	
<u>Emergency Plan</u>	A plan governing the provision of necessary services during an emergency and the procedures under and the manner in which, employees of a municipality or Crown employees and other persons will respond to the emergency.	
August 22, 1986		
<u>Point of Contact</u>	Director, Approvals Branch	
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Spill

A discharge into the natural environment from or out of a structure, vehicle or other container which is abnormal in quantity and quality, in light of all the circumstances of the discharge which causes or is likely to cause the following adverse effects as set out in S.80 of the Environmental Protection Act:

- (a) impairment of the quality of the natural environment for any use that can be made of it;
- (b) injury or damage to property or to plant or animal life;
- (c) harm or material discomfort to any person;
- (d) adverse effects on the health of any person;
- (e) impairment of the safety of any person;
- (f) the rendering of any property or plant or animal life unfit for use by man;
- (g) the loss of enjoyment of normal use of property; or
- (h) interference with the normal conduct of business.

Minor Spill

A spill of such magnitude that the spiller can, utilizing his own resources or resources available to him, undertake the necessary measures to control, contain and clean up the material spilled.

During a minor spill the Ministry of the Environment is responsible for fulfilling its regulatory responsibilities under its legislation and also acts as a resource agency to other parties.

Moderate Spill

A spill of such magnitude that the resources under a local or co-operative contingency plan are required to effectively contain and clean up the material spilled;

During a moderate spill the Ministry of the Environment fulfills its regulatory responsibilities under its legislation and also acts as a resource agency to other parties.

Major Spill

A spill, regardless of its magnitude, for which for whatever reason, the Ministry of the Environment assumes direct responsibility.

During a major spill other agencies act in an advisory capacity to the Ministry of the Environment which coordinates clean-up efforts.

1. Emergencies

1.1 Role of the Ministry

The role of the Ministry is to assist the agency in control of an emergency involving a discharge or potential discharge to the environment by providing monitoring capability and advice, where needed, in accordance with the Ministry's expertise and resources.

1.2 Responsibilities

(a) Responsibilities for taking control of an emergency are set out in the Emergency Plans act and Order In Council 1770/85.

(b) The Ministry will support and advise other agencies in control of an emergency.

1.3 Scope of Ministry's Actions

For the spill component of the emergency, the Ministry will, in consultation with the agency in control of an emergency,

(a) determine the nature and extent of environmental damage which may be caused by the emergency.

(b) provide information requested by a Medical Officer of Health,

- (c) evaluate the adequacy of clean-up and disposal efforts,
- (d) recommend appropriate procedures to the agency in charge of the emergency where necessary,
- (e) enforce the duties imposed on any persons responsible; and
- (f) document all findings, actions and recommendations.

1.4 Province of Ontario
Contingency Plan
for Spills of Oil
and Other Hazardous
Materials

The Plan serves to meet the obligations of the Ministry under the Emergency Plans Act for the containment and clean-up of major spills to any land mass or body of water in Ontario. Other aspects are dealt with by municipal or other Provincial emergency plans.

2. Spills

2.1 Role of the
Ministry

The role of the Ministry is to assess the environmental impact of spills and as a regulatory agency enforce the duties and provisions imposed by any applicable legislation administered by the Ministry.

2.2 Responsibilities

- (a) The Ministry will receive notification and information with respect to spills of pollutants to the natural environment and take measures to ensure notification of other agencies and warning of users or potentially affected parties.
- (b) The Ministry will take measures to inform the media and the public regarding major spills.
- (c) With respect to spill incidents, the Ministry will:
 - (i) ensure that the discharger takes appropriate measures to clean up,

- (ii) give advice and make recommendations as to the best practicable clean-up and disposal measures to be followed,
 - (iii) make recommendations with respect to procedures or equipment for spill prevention, where applicable, and
 - (iv) where necessary and authorized by statute make orders with respect to clean-up.
- (d) The Ministry will support and advise other agencies in control of any emergency at the request of the agency in charge of the emergency which has or may have a spill component.

2.3 Scope of Ministry's Actions

The Ministry will:

- (a) determine the nature and extent of environmental damage caused by the spill,
- (b) provide information to Medical Officers of Health,
- (c) evaluate the adequacy of the containment, clean-up and disposal efforts,
- (d) recommend appropriate procedures where applicable,
- (e) enforce the duties imposed on the discharger and others, and
- (f) document all findings, actions and recommendations.

2.4 Spill Responsibilities

The following outlines the way in which various parties discharge their responsibilities for the three categories of spills.

2.4.1
Minor Spill

- (a) Spiller takes immediate measures to control, contain and clean-up spilled material;
- (b) Spiller notifies owner, person in control of pollutant, police and fire departments and other public agencies including municipality and the Ministry of the Environment;
- (c) Spiller obtains assistance of contractor who provides clean-up and disposal services or uses own clean-up forces;
- (d) Public agencies maintain surveillance where necessary and provide advice to spiller or his forces; and
- (e) Ministry of the Environment provides advice and enforces duties and responsibilities imposed by Ministry legislation.

2.4.2
Moderate Spill

- (a) Spiller takes immediate measures to control, contain and clean-up spilled material;
- (b) Spiller notifies owner, person in control of pollutant, police and fire departments and other public agencies including municipality and the Ministry of the Environment; spiller may notify industry cooperative agency;
- (c) Municipality or industry cooperative agency invoke appropriate contingency plan;
- (d) Contractor's services are obtained if needed;
- (e) Public agencies maintain surveillance where necessary and provide advice to agency in control; and
- (f) Ministry of the Environment provides advice and enforces duties and responsibilities imposed by Ministry legislation.

2.4.3
Major Spill

- (a) Spiller takes immediate measures to control, curtail and clean-up spilled material;
- (b) Spiller notifies owner, person in control of pollutant, police and fire departments and other public agencies including municipality and the Ministry of the Environment;
- (c) Ministry of the Environment, in consultation with other agencies, assumes responsibility for containment, clean-up, and disposal for major spill;
- (d) Ministry invokes Province of Ontario Contingency Plan for Spills of Oil and Other Hazardous Materials where desirable and obtains additional assistance from Provincial, State, and Federal authorities and private sector;
- (e) Public agencies maintain surveillance and provide advice and necessary services; and
- (f) Ministry of the Environment manages spill response and enforces duties and responsibilities imposed by Ministry legislation.

2.4.4
Further Details

Further details on spill responsibilities are available from the Ministry's publication Planning for Spill Contingencies (1985; Supplement to the Province of Ontario Contingency Plan for Spills of Oil and Other Hazardous Materials).

2.5 Province of Ontario Contingency Plan for Spills of Oil and Other Hazardous Materials

The Plan provides a framework for dealing with major spills to any land mass or body of water in Ontario. It provides a coordinated alerting procedure for spills, an evaluation and containment procedure and a clean-up response mechanism. The Plan is subordinate to plans which address health or property priorities.

2.5.1
Initiation of Plan

The plan may take effect when:

- (a) the responsible party defaults on his duties to respond and the spill threatens to become a major spill,
- (b) in cases where the source of a major or moderate spill cannot be readily established and a timely response is necessary, or
- (c) upon request for assistance with a moderate or minor spill.

2.5.2
Authority of
Regional Director

A Regional Director of the Ministry of the Environment has the authority to invoke the plan.

2.6 Future Contingency
Activities

Plans will be developed to guide Ministry staff in connection with the following areas of environmental concern:

- (a) The monitoring of contaminants released into the atmosphere (supporting municipal or other government emergency plans),
- (b) Major disruptions or threats to municipal water supply or sewage treatment systems,
- (c) Large scale crop damage or soil productivity impairment from accidental releases of contaminants to the atmosphere or from mis-application of pesticides,
- (d) Large scale crop damage, livestock losses or soil productivity impairment resulting from the irrigation with or consumption of contaminated water.
- (e) Applying uniform Provincial standards in connection with clean-up duties imposed under Part IX of the Environmental Protection Act.

3. Ministry Administration
for Spills and
Emergencies

3.1 Response
Procedures

The Ministry of the Environment's Spills Action Centre receives spills reports on a 24-hour basis and environmental complaints from the public outside of normal Ministry working hours.

In addition, each Region provides a response system under which responsibility is assigned to Ministry personnel to deal with events. Upon receiving a call, the responsible officer contacts the original caller and other agencies to determine further details, assesses the nature of the problem, and directs the Ministry's response.

3.2 Contingency
Planning

Activities include a wide variety:

- (a) inter-agency coordination;
- (b) identifying staff training needs;
- (c) municipal advisory services;
- (d) response planning; and
- (e) spills and emergencies audit.

3.3 Human Resources
Branch

Branch responsibilities include developing programs to meet identified training needs.